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ABSTRACT

A 5-part handbook provides elementary and secondary educators and community organizations with background information and resources for teaching mediation strategies. An introduction (part I) provides a rationale for mediation as a form of dispute resolution and for mediation programs in the schools. Part II seeks to define mediation by describing the differences between mediation and other forms of dispute resolution, benefits of mediation, the mediation process, training and skills required, history of mediation programs, and issues raised by mediation. Part III contains mediation resources, including Massachusetts mediation programs; mediation trainers, consultants, and information sources; and mediation programs in Massachusetts schools. Part IV consists of the bibliographies from four publications on dispute resolution. The final part is a mediation update form. (LP)

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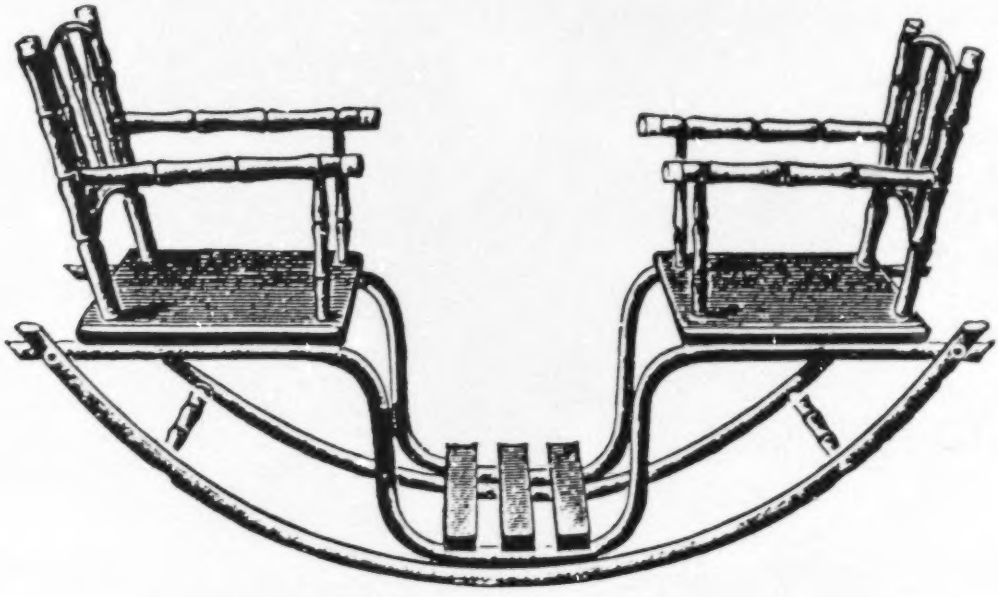

An Alternative That Works

Second Edition

Albie Davis
Law-Related Education Program
District Court Department ■ Trial Court of Massachusetts

SP 015 895

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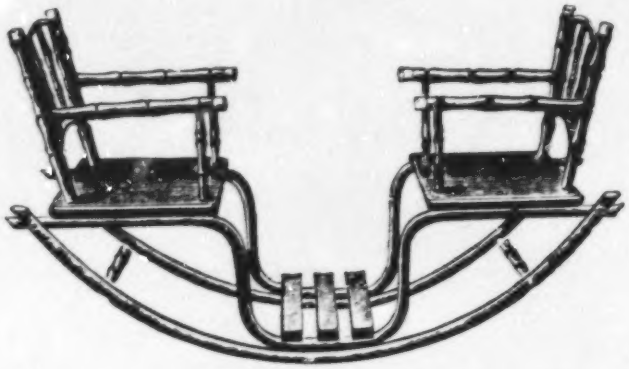

. . . An Alternative That Works

A BRIEF OVERVIEW OF MEDIATION, INCLUDING:

What is mediation?

How are mediators trained?

What skills are required?

What issues are raised?

Resources and bibliography

By Albie Davis

Second edition edited and revised by

RICHARD COHEN

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Special thanks to Della Rice of the Dorchester District Court Mediation Unit; Janet Rifkin of the U/Mass Mediation Project; Neil Houston of the Crime and Justice Foundation; Richard Cohen, mediator, Cambridge; Richard Salem, mediator, Evanston, Illinois and the members and staff of the Special Committee to Study Alternative Means of Dispute Resolution for their advice and assistance in preparing this publication.

Second Edition

March 1984

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INTRODUCTION

In 1977, Chief Justice Samuel E. Zoll of the District Court Department of the Trial Court of the Commonwealth established a Special Committee to Study Alternative Means of Dispute Resolution. That Committee examined mediation programs in Massachusetts and throughout the United States. In its final report, published in August, 1978, the Committee came to the following conclusions:

"Winner-take-all" Approach Not Suited to All Disputes

The "winner-takes-all" approach of adjudication is not well suited to resolve certain types of disputes which are brought to the District Court Divisions. (Massachusetts has sixty-nine District Courts which constitute the sixty-nine Divisions of the District Court Department.) Disputes arising between individuals in a long-term relationship, such as family members, neighborhood residents, buyer and seller, and landlord and tenant, as well as disputes occuring within an established public institution, such as a school, welfare department or housing development, generally are not amenable to an all-or-nothing solution typical of our adjudicative process.

Mediation Can Help People Resolve Underlying Problems

A narrow focus on the immediate matter in issue in these types of controversies will not avoid or minimize future disputes nor will it effectively resolve the underlying problems. Mediation of these types of disputes will enable the disputants to better understand their day-to-day living situations and will elicit the adjustments necessary to make their lives more stable. Changes in behavior may result from the mediation process. Potentially more serious altercations may be averted.

Mediation A Useful Alternative for District Courts

The Committee believes that mediation is an alternative which could be useful in the District Court Department. As a result, the Committee recommends the establishment of experimental mediation programs within District Court Divisions. Mediation of small claims matters by Clerk-Magistrates pursuant to the court reorganization legislation will soon become a reality, and preparations to that end should be undertaken.* Many minor citizen disputes would appear to be resolvable very effectively through the mediation process. In any event, further examination of this subject matter is warranted.

*Legislation allowing Clerk-Magistrates to mediate small claims cases is now the law in Massachusetts.

Mediation Programs May Benefit Schools

In 1979, the District Court Department established a statewide program to encourage its sixty-nine divisions to become educational resources to the communities they served. Courts and the Classroom, the Department's law-related education program, has given assistance to local courts and school systems wishing to arrange court visits, seminars, Law Day Celebrations, speakers bureaus, law courses and mock trials. It also helped develop two programs to train high school students and teachers in the art of mediation.

Mediation as a form of dispute resolution has shown great promise in Massachusetts, both in our courts and our schools. We hope that this publication will further that promise.

High school students practice mediation skills.

See pages 24 to 27 for information about mediation in the schools.

WHAT IS MEDIATION?

Some Definitions

Mediation is defined several ways. Here are some definitions ranging from simple to complex.

- Friendly or diplomatic intervention, usually by consent or invitation, for settling differences between persons, nations, etc.

  - Webster's New World Dictionary

- The act of a third person in intermediating between two contending parties with a view to persuading them to adjust or settle their dispute.

  - Black's Law Dictionary

- Mediation is a method of resolving disputes and conflicts. It is a voluntary process involving a complainant, the person who brings the complaint, and a respondent, who has done something the complainant is upset about. Mediation requires the participation of a mediator who operates from an impartial base and whose primary role is to promote agreement. The mediator has no authority to impose a settlement on the parties, nor can the parties be forced to enter mediation or to reach an agreement. Compromise is at the heart of a successfully mediated dispute and the end result of a mediation session is that there are neither winners nor losers but rather, it is hoped, generally satisfied individuals.

  - The Mediation Project
    University of Massachusetts/Amherst

- The purpose of mediation is not to judge guilt or innocence, but to help parties . . . get at the root of their problems and devise their <u>own</u> solutions to them. A mediator can help the parties talk it out unrestrained by questions of admissibility. This should help the parties concentrate on what should be done in the future rather than punishment and revenge, or "who is responsible" for "what past event."

  - Dorchester District Court Mediation Unit

On the next page, mediation is compared to other forms of dispute resolution.

How Does Mediation Differ From Other Forms Of Dispute Resolution?

ADJUDICATION — Adjudication involves a third party--judge or jury--to hear the facts of a dispute and determine guilt or innocence or civil liability. Evidence is presented according to a detailed set of procedures, and the third party has coercive powers conferred by the state. A decree or sentence is imposed by the third party, depending upon his or her decision based upon the evidence.

ARBITRATION — Arbitration involves the submission of a dispute to a third party who renders a decision after hearing arguments and reviewing evidence. It is less formal and less complex and often can be concluded more quickly than court proceedings. In its most common form, Binding Arbitration, the parties select the arbitrator and are bound by the decision, either by prior agreement or by statute. (Med-Arb is an innovation in dispute resolution under which the med-arbiter is authorized by the parties to serve first as a mediator and, secondly, as an arbitrator empowered to decide any issues not resolved through mediation.)

CONCILIATION — Conciliation is an informal process in which the third party tries to bring the parties to agreement by lowering tensions, improving communications, interpreting issues, providing technical assistance, exploring potential solutions and bringing about a negotiated settlement, either informally or, at times, in a subsequent step, through formal mediation. Conciliation is frequently used in volatile conflicts and in disputes where the parties are unable, unwilling or unprepared to come to the table to negotiate their differences.

MEDIATION — Mediation is a structured process in which the third party assists the disputants in reaching a negotiated settlement of their differences. Mediators work directly and in depth with the parties. They encourage discussion and use a variety of skills and techniques to provide a forum within which the disputants can construct their own mutual agreement. Mediation is usually a voluntary process that results in a signed agreement which defines the future behavior of the parties. The mediator is not empowered to render a decision.

OMBUDSPERSON — An Ombudsperson is a third party who receives and investigates complaints or grievances aimed at an institution by its constituents, clients or employees. The Ombudsperson may take actions such as bringing an apparent injustice to the attention of high-level officials, advising the complainant of available options and recourses, proposing a settlement of the dispute or proposing systemic changes in the institution. The Ombudsperson is often employed in a staff position in the institution.

(Thanks to the Crime and Justice Foundation of Boston and the National Institute for Dispute Resolution for these definitions.)

What Are The Benefits Of Mediation?

> The obligation of our profession is to serve as healers of human conflicts.
>
> - Warren E. Burger
> Chief Justice of the United States

Many reasons are cited to support the growth of mediation as a voluntary option for citizens seeking resolution of their disputes.

1. Affordable: For many people the cost of obtaining justice through the adversary system is high. In most cases, mediation services are free.

2. Timely: Often court calendars are backlogged for long periods. Mediation cases are heard shortly after the disputes arise.

3. Convenient: Most mediation projects offer their services in the evenings and on weekends so that disputants do not lose work time.

4. Comfortable: Mediation sessions are often held in community settings that are familiar and comfortable to the disputants.

5. Understandable: Case coordinators and mediators are trained to set disputants at ease, to explain the mediation project, their own training and the process that will be followed. Since the process is clear and simple, disputants can focus upon the issues bothering them and the eventual resolution of their dispute. Often mediators are bilingual, which allows disputants to express themselves in the language they understand best.

6. Private: With few exceptions, mediation sessions are held in private so that disputants need not air their grievances in a public setting.

7. Educational: Mediation requires that the parties take active responsibility for creating their own agreement. Through their participation in the process, the parties learn an alternative approach for the resolution of conflict and can apply their mediation experience to future conflicts in their own lives or in their communities.

8. Healing: Free from the usual rules of evidence that hold in the courtroom and with the gentle, but skilled, guidance of the mediators, disputants can get at the root causes of a dispute. Once they have had an opportunity to state their own case fully, they are better able to hear the other party's point of view. Such an airing of grievances and search for a solution can mend relationships among families, friends, neighbors, landlord/tenants, teachers/students and others who make up our communities.

9. Effective: Evaluations show that over 85% of mediation conducted in national dispute resolution centers result in agreements.

When Is Mediation Appropriate?

Dispute Resolution Centers across the United States offer mediation services to people involved in a wide range of disputes. Some are referred to the centers directly from the community; others are referred by the police, district attorney or courts. In Massachusetts, mediation techniques are used in civil, criminal, small claims and juvenile cases.

As a general rule, most people in the field feel that mediation is most appropriate in cases where there is a relationship between the parties. Such cases might include:

1. **Family Members**: This could include disputes between husband and wife, children and parents, couples, or roommates. For example, violence may have errupted between a husband and wife who are separating. They may need to agree upon terms for mutual respect, property rights and visitation rights.

2. Neighbors: Quite commonly, disputes break out between neighbors living in close proximity or even in the same building. Some disputes involving an entire block have come to the mediation centers. A typical dispute might center upon respecting one another's property, controlling one's pets or treating one another with respect.

3. Friends: Disputes among friends can flare up into violent incidents. They can focus upon borrowed but unreturned goods, broken promises or a host of other complaints.

4. Teacher/Student: The school setting is ripe with disputes which, if not settled, can lead to suspensions and patterns of non-attendance and increased violence. Often the complaints center upon verbal or physical violence.

5. Landlord/Tenant: Disagreements about the upkeep of apartments, unwanted entries, noise levels and the timing and amount of rent receipts are common. These disputes can become violent.

6. Consumer/Merchant: Goods that don't work, services not rendered properly, payments not made, repairs more costly than anticipated- these are a few of the disputes that arise among consumers and merchants.

Experience has shown that the incidents which prompt the disputants to request the use of mediation services often are not the underlying cause of the dispute. The causes, especially in long-term relationships, go much deeper and involve feelings and histories that would be considered irrelevant in a formal court proceeding. The mediation process, which gives all parties an opportunity to express all their feelings, is an excellent one for developing long-term solutions. Because the parties are so highly involved in shaping the final agreement, they are more inclined to respect it and to want it to work.

How Does Mediation Work Through The Courts ?

Mediation begins with a dispute and, when successfully completed, ends with an agreement. A typical mediation process might flow as follows:

Dispute	Two or more people have a dispute. One, or both, complains to the police, the court or a community agency.
Police Court Community	The police, court or community agency may refer the dispute to the mediation project. In the court, the cases usually come first to the Clerk-Magistrate, who, when appropriate, refers the case to mediation at the show-cause hearing. Judges also refer cases to mediation.
Referred to Mediation	The Case Coordinator of the mediation project conducts an intake interview, explains that the mediation process is voluntary, and, if both parties agree to mediate, schedules the mediation session and assigns mediators to the case.
Mediation Session Held	Community members, lawyers, law students and others trained in mediation conduct a mediation session. Mediators often operate in pairs. When possible, they are selected to "mirror" the disputants in terms of race, sex and other background. (See the following page for the stages in a mediation session.) When successful, the mediation leads to a written agreement.
Written Agreement	The written agreement is signed by all parties. Each party receives a copy. In cases referred by the Clerk-Magistrate, the Clerk-Magistrate receives a copy. If the agreement holds for 30 days, the case is not forwarded through the judicial system. In cases referred by a Judge, the Judge receives a copy. The case is continued without a finding for 90 days. If the agreement holds, the case is dismissed.
Followup by Coordinator	The Case Coordinator reviews the settlement and contacts appropriate social service agencies, if called for by the agreement. The Coordinator usually calls the parties after two weeks and at the end of the 30 or 90 day period to make sure that the agreement is holding to the satisfaction of both parties. (If problems arise, the services of the mediators may be used again.)

What Is A Mediation Session Like?

Stage 1: The Preliminary Conference: The mediators arrive at the Mediation Center 15 minutes prior to the session to receive background information about the case, such as the number of disputants, their names, their relationship, the type of complaint(s) and the referral source. Little other information is given in order to avoid prejudice.

Stage 2: The Introduction and Program Explanation: Mediators stand, greet the disputants, introduce themselves and generally set the disputants at ease. Taking turns, as agreed upon in advance, the mediators a) describe the program and the fact that it is a voluntary option, b) describe their own role as a neutral third party, c) explain that the session is confidential, d) describe the process that the session will follow, e) explain that a written agreement will be sought, f) assure all parties that they will have as much time as they need to work out a resolution, and g) give all parties an opportunity to ask questions.

Stage 3: The Opening Session: With all parties present, each person is given an opportunity to vent his or her feelings and thoughts. Mediators should start to acquire a clear sense of what each disputant thinks are the key issues. It is at this stage that the mediators begin to diffuse the air of hostility and contentiousness between the parties, while introducing a tenor of conciliation and understanding. They also seek to have both parties articulate an initial sense of what they would like to see come out of a mediated agreement.

Stage 4: The Recess: Recesses are usually necessary between the opening session and each subsequent private session. A recess provides mediators with a brief interlude to review information gathered, sort out issues, consider competing interests, check perceptions and develop a strategy for the next stage of the proceedings. Questions such as "Who will be called into the next session?" "What will be the objectives of the next session?" and "How will the issues be broached and by whom?" are asked and settled.

Stage 5: Private Sessions: At these sessions, mediators draw out from the disputants the issues and feelings that were not articulated in the opening session at which all parties were present. Through careful listening and artful probing, the mediators identify and put in priority order the disputants' key issues and terms for settlement. The goal at this point is to reconcile each party's "shopping list."

Stage 6: Settlement Techniques: Using the information gained at the opening and private sessions, mediators begin to steer the disputants toward a settlement. They gently help disputants eliminate extreme positions and they act as agents of reality, reminding the disputants of the benefits of ending the dispute. The evolving terms of the agreement are checked with each party until a final settlement is agreed upon.

Stage 7: The Written Agreement: In clear, non-inflamatory words, the mediators draft an agreement based upon the terms of the disputants. The agreement is then signed by all parties, including the mediators. The notes from the mediation session are destroyed in front of the disputants.

How Are Mediators Trained?

1. Selection of Mediators

People of all ages and all backgrounds have been trained to be successful mediators. Most mediation trainers will tell you that a mediator must be patient and conscientious, must use common sense, must be empathetic, and must be able to learn from his or her successes and mistakes. If a person possesses these qualities, he or she will be able to gain the required skills during the mediation training.

2. How Long is the Training?

Most Massachusetts mediators have been trained by experienced mediators from the Dorchester District Court Mediation Unit or mediators who were originally trained by the Institute for Mediation and Conflict Resolution, Inc. of New York. The training program used by the Dorchester Unit involves eleven three-hour sessions plus the mediation of two actual cases. Training is usually completed in a month's time.

3. What Format does Mediation Training Follow?

A mediator must be skilled in a number of techniques. These techniques cannot be learned simply by listening to someone explain them. The key to mastering the art of mediation is doing it. Trainees practice mediation over and over again and their performances are critiqued and analyzed. Through practice, trainees build upon their strengths, learn new skills and, often, unlearn unproductive habits and attitudes. The training is designed to produce competent and confident mediators.

Although background materials are supplied to mediation trainees in order to reinforce what they are experiencing, the primary mode of learning is the simulation. True-to-life case studies are used as material. Trainees rotate through three equally important roles:

a) Mediators In teams of two or three, trainees practice the required skills from setting the disputants at ease to writing the final agreement.

b) Disputants By playing the role of the disputants, trainees have a chance to experience how mediation "feels" first-hand. They also build empathy for disputants in general.

c) Active Observer Standing back as an active observer, taking notes which will be used in post-critique sessions, trainees can see the "whole picture" and evaluate the impact of specific strategies in specific situations.

What Skills are Required?

With experience, the mediator comes to have confidence in the process, in the parties and in him/herself. In addition to learning the specific steps in the mediation process, the mediator must gain the following skills:

1. Putting the disputants at ease: Mediators are trained to stand when disputants enter the room, introduce themselves, shake hands and do whatever they can to reduce tension and put the disputants at ease. This is the first step toward building trust.

2. Building trust: Trust must be earned. The mediator must learn how to gain the trust of all the disputants and regain it if it is lost during the session. The parties must view the mediator as impartial, but highly interested in helping them reach a resolution.

3. Listening Actively: A mediator must assume the position of being educated by the parties. Personal biases and value systems must be set aside during the session. Verbal and physical cues that encourage openness among the disputants must be mastered.

4. Reducing defensive communication: The mediator must learn to draw out feelings, information and potential terms for settlement without threatening the disputants and thus encouraging defensive communication. Judgmental speech patterns must be avoided.

5. Managing conflict: A mediator must be comfortable with a certain degree of conflict among the parties. He or she must discover the fine line between letting a disputant express a feeling and letting that feeling get out of hand. Strategies for redirecting conflict to a positive end must be learned.

6. Building the will to settle: During the entire mediation session, the mediator must be alert for all signals from the disputants that could create momentum and a tendency to agree. The mediator builds antennae that are sensitive to every area of possible agreement, no matter how insignificant upon first view. The mediator gently, but sometimes firmly, helps disputants eliminate extreme positions and focus upon realistic, positive outcomes of mutually agreeable settlements.

7. Writing the final agreement: The mediator must learn how to translate the verbally expressed terms of the disputants into written statements which clearly state the settlement without restimulating the original conflict.

8. Working as a team: Many mediation projects believe that mediation is best conducted by a team, especially one that reflects the background of the disputants. Mediators must learn how to share responsibilities, draw upon one another's strengths, come to decisions about strategies quickly and, in general, be supportive of one another.

The Growth of Mediation in Recent Years

> The notion that ordinary people want black-robed judges, well-dressed lawyers and fine courtrooms as settings to resolve their disputes is not correct. People with problems, like people with pains, want relief, and they want it as quickly and inexpensively as possible.
>
> - Warren E. Burger
> Chief Justice of the United States

From the Chief Justice of the highest court in the United States comes a statement that best explains the rising interest in alternate means of dispute resolution. "People with problems, like people with pains, want relief, and they want it as quickly and inexpensively as possible."

By the sixties and early seventies, most professionals in the justice system were admitting that our court system could no longer accomodate the demands put upon it. Alternate forms of dispute resolution were investigated, invented, and adopted.

One of the first formal mediation centers opened in Ohio in 1971. This pilot project, The Columbus Night Prosecutor's Program, arranged for interpersonal disputes and bad check cases to be referred to its founders, a Capital University Law School professor and the City Attorney of Columbus. The project was successful and was able to expand in its second year after receiving funding from the Law Enforcement Assistance Administration (LEAA).

The American Arbitration Association (AAA) and the Institute for Mediation and Conflict Resolution (IMCR) also played an active role in expanding mediation. In 1968, the AAA established the National Center for Dispute Settlement in Washington, D.C. for the negotiation of urban disputes.

The IMCR sponsors the New York Institute for Mediation and Conflict Resolution Dispute Center. The Center's successful use of community volunteers encouraged many later programs to select residents as mediators instead of paid professionals or law students.

In the mid-seventies, a variety of programs opened across the United States. The Urban Court Program, which served as a model for other programs in Massachusetts, started in 1975. In that same year, the American Bar Association, the Judicial Conference of the United States and the Conference of the Chief Justices jointly sponsored the Pound Conference (the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice). Through a Task Force chaired by then Judge Griffin Bell, the Conference recommended the development of Neighborhood Justice Centers to "make available a variety of methods for processing disputes, including arbitration, mediation, referral to small claims courts as well as referral to courts of general jurisdiction."

During the past ten years, the alternative dispute resolution movement has produced more than 200 "minor dispute centers." Some of these centers are operating strongly; others have closed. The next ten years may well shape the future of mediation.

Important Issues Raised by Mediation

The growth of the mediation movement has led to increased interest in the process and a certain amount of questioning and controversy. These issues of concern to both proponents and opponents of mediation must be considered by serious students of alternative forms of dispute resolution. Some of the key questions are listed below:

1. Some mediation projects are connected to the courts. Others are independent of the courts. Is one model preferable to the other?

2. Should mediators be of the same community as the disputants? Should they be strangers to the parties? Should mediators know the parties?

3. Should mediation sessions be private (as in most projects) or open to the public (as in a few projects)?

4. Should mediators be trained volunteers from all walks of the community? Should mediators subscribe to a code of ethics? If so, how should that code be developed?

5. In situations where one party is dominant and one submissive, are mediation strategies sufficient to protect all parties?

6. In situations which involve parties from various cultural groups, are mediation strategies sufficient to prevent inequities?

7. What role can mediation play in disputes which often involve large numbers of people with strongly opposing views, such as civil rights or environmental conflicts. Is special training required?

8. How should mediators deal with the issue of confidentiality in states where they are not protected by specific statutes?

9. How should mediators be trained? What kind of supervision should they receive? On what basis should mediators and mediation be evaluated?

10. How should the legal profession view mediation? As a viable alternative for the public or a threat to their own livelihood?

11. How does a process such as mediation, one that is personal and does not rely on rules of evidence and strict procedures, fit into our system of justice as we traditionally think of it?

12. Is mediation a strong force that will become a permanent part of our justice system or a passing fad that will die from lack of interest and attention?

RESOURCES

Massachusetts Mediation Projects

Alternative Dispute Resolution Project
Department of the Attorney General
Public Protection Bureau
One Ashburton Place
Boston, MA 02108

(617) 727-7122
Suzanne Goulet Orenstein
(established 1983)

This project will establish mediation programs for consumer disputes in local consumer advocacy agencies throughout the state. It may also mediate some environmental and civil rights matters referred by the Assistant Attorney General. Community volunteers will serve as mediators.

Boston Municipal Court Mediation Program
Crime and Justice Foundation
19 Temple Place
Boston, MA 02111

(617) 426-9800
Cynthia Brophy
(established 1980)

Serves area within the BMC's jurisdiction. Handles family, neighbor, friends, consumer/merchant and business disputes, as well as disputes among strangers with a negotiable basis. Referrals received from the bench, Clerk-Magistrates, police, the District Attorney's Office and Public Defenders. Massachusetts Bar Association members volunteer as mediators.

Cambridge Dispute Settlement Center
A program of the Cambridgeport Problem Center
1 West Street
Cambridge, MA 02139

(617) 876-5376
Beth Schachtman
John Mack
(established 1978)

Serves Cambridge and nearby communities. Handles family, neighbor, friends, landlord/tenant, consumer/merchant, employer/employee and divorce related disputes referred by the bench. Clerk-Magistrates, agencies and community members. Community members volunteer as mediators.

Children's Judicial Resource Council
34 Royal Avenue
Cambridge, MA 02138

(617) 876-8036
Patrick Phear
(established 1977)

A non-profit agency serving Middlesex County. Primarily mediates issues arising out of divorce, such as visitation, custody, child support and long-term fiscal needs. Emphasis on the impact on the child. Referrals from the bench, lawyers and other sources. Sliding scale fees based upon ability to pay.

Children's Hearings Project
of the Massachusetts Advocacy Center
99 Bishop Allen Drive
Cambridge, MA 02139

(617) 661-4700
Sandra Wixted
(established 1980)

Serves jurisdictions of the Department of Social Service and District Courts in Arlington, Cambridge, Somerville, Malden, Newton, Waltham, Woburn, Dedham, Concord and Weymouth. Conducts parent/child mediation, primarily in child in need of service cases and some abuse and neglect cases. Community volunteers serve as mediators.

Community Mediation Project
P.A.C.E.
166 Williams Street, D-626
New Bedford, MA 02742

(617) 997-5732
Tryne Costa
(established 1984)

Serves the Greater New Bedford area. Handles child in need of service, runaway, and truancy cases referred by the courts, the schools, private agencies, the police and the community. Community volunteers serve as mediators.

Dispute Resolution Project, The
The City of Springfield
31 Elm Street, Suite 231
Springfield, MA 01103

(413) 787-6480 or
(413) 787-6481
John J. Garvey
(established 1983)

Serves the City of Springfield. Handles landlord/tenant, juvenile, family, neighborhood, consumer/merchant and divorce related disputes. Referrals from community, police, courts, bar association and city departments. Community volunteers serve as mediators.

Dorchester District Court Mediation Unit
510 Washington Street
Dorchester, MA 02124

(617) 288-9500
Della Rice
(established 1975)

Serves Dorchester and Mattapan. Handles family, neighbor, friends landlord/tenant, consumer/merchant and other community disputes referred by the bench, Clerk-Magistrates and other sources. Community volunteers serve as mediators.

Dorchester Mediation Project
Dorchester Youth Collaborative
1514A Dorchester Avenue
Dorchester, MA 02122

(617) 288-1748
Kathy Grant
(established 1984)

Serves Dorchester and the surrounding communities. Conducts parent/child mediation, primarily in child in need of service cases and some abuse and neglect cases. Referrals from the Department of Social Services, the courts, and the community. Community volunteers serve as mediators.

Edgartown Mediation Program
Box 1284
Edgartown, MA 02539

(617) 627-8228
Thomas A. Teller
Sally Rose
(established 1983)

Serves Dukes County. Handles cases referred by the Edgartown District Court. Community volunteers serve as mediators.

Family Mediation Program
81 Old Colony Way
Orleans, MA 02633

(617) 255-2981
Lyn Harrod
(established 1983)

Serves Cape Cod. Handles parent/child issues referred by the Department of Social Services, the courts and other community agencies. Community members volunteer as mediators.

Family Mediation Program
Catholic Charities Center
296 Court Street
Plymouth, MA 02360

(617) 746-9025
Elaine Taber Noon
(established 1983)

Serves communities within the jurisdiction of the Plymouth District Court and Department of Social Services in the Plymouth Area. Handles parent/child cases. Takes referrals from the Department of Social Services, the courts, and community agencies. Community members volunteer as mediators.

Family Mediation Service
Center for Human Development
52 Maple Court
Springfield, MA 01105

(413) 733-6624
Doris Schuh
(established 1983)

Serves the Springfield and Westfield areas. Conducts parent/child mediation, primarily in child in need of services cases. Referrals are made by the courts, the Department of Social Services and Schools. Community volunteers serve as mediators.

Family Mediation Services
Y.O.U. Inc.
Park Plaza, 507 Main Street
Worcester, MA 01608

(617) 755-7660
Patricia Crosby
(established 1983)

Serves the greater Worcester area. Has received a Department of Social Services grant and conducts parent/child mediation, primarily child in need of service cases. Takes referrals from the Department of Social Services, the courts and the community. Community volunteers serve as mediators.

Framingham Mediation Program
Crime and Justice Foundation
600 Concord Street
Framingham, MA 01701

(617) 872-9495
Carol Bronder
(established 1979)

Serves area within Framingham District Court jurisdiction. Handles family, neighbor, friends, and landlord/tenant disputes referred by the bench, Clerk/Magistrates and various community agencies. Community members volunteer as mediators.

Gloucester District Court Mediation Program
Crime and Justice Foundation
19 Temple Place
Boston, MA 02111

(617) 426-9800
Cynthia Brophy
(established 1981)

Serves the area within the jurisdiction of Gloucester District Court. Handles a wide range of cases including family, friends, neighbors, juvenile and small claims disputes referred by the bench and Clerk-Magistrates. Community members volunteer as mediators.

Harvard Small Claims Mediation Program
Program on Negotiation at Harvard Law School
Harvard Law School
500 Pound Hall
Cambridge, MA 02138

(617) 495-1648
David Oskandy
(established 1981)

Serves the Small Claims divisions of the Quincy, Brookline and Cambridge District Courts. Provides an alternative method for resolving small claims cases. Staffed by volunteers from Harvard Law School. Students from Harvard Law School and Harvard College and a community members volunteer as mediators.

Ipswich Court Mediation Program
Crime and Justice Foundation
19 Temple Place
Boston, MA 02111

(617) 426-9800
Cynthia Brophy
(established 1983)

Serves the city of Ipswich. Handles a wide range of cases including family, friends, neighbors, juvenile and small claims disputes referred by the bench and Clerk-Magistrate. Community members volunteer as mediators.

Lynn Youth Resource Bureau Dispute Resolution Services
19 Sutton Street
Lynn, MA 01901

(617) 598-4874
Richard Bedine
Laverne Dipietro
(established 1977)

Serves six communities in the greater Lynn area. Handles parent/child, family, neighbor, friends, landlord/tenant and consumer/merchant disputes referred by the court, police and community and Department of Social Services. Community volunteers serve as mediators.

Lawrence Mediation Program
Crime and Justice Foundation
19 Temple Place
Boston, MA 02111

(617) 426-9800
Dorthy Keilt
(established 1984)

Serves the area within the jurisdiction of the Lawrence District Court. Handles a wide range of cases including family, friends, neighbors, juvenile and small claims disputes referred by the bench and Clerk-Magistrate. Community members volunteer as mediators.

Massachusetts Institute of Technology
Grievance Procedure
President's Office, M.I.T.
77 Massachusetts Avenue
Cambridge, MA 02139

(617) 253-5921 or 253-5446
Clarence Williams
Mary Rowe
(established 1973)

Serves anyone in the M.I.T. Community who is not already served by a bargaining unit. Handles all types of harassment cases. Referrals are usually made by word of mouth. Staff primarily act as ombudspersons and frequently they conduct mediation sessions.

Mediation Program
Faneuil Tenants Organization
276 West Beacon Street, Apartment 26
Brighton, MA 02135

(617) 254-4088
Chuck Cavas
(established 1984)

Serves the Faneuil and Fidelis Way Housing Projects. Handles neighbor, friends, family and other types of community disputes within the Projects. Referrals made by police assigned to the development, house managers, tenants and program staff. Tenants volunteer as mediators.

Salem Mediation Program
Salem District Court
65 Washington Street
Salem, MA 01970

(617) 745-4165
Dave Carlton
(established 1979)

Serves eight communities within the jurisdiction of the Salem District Court. Handles family, neighbor, friends and landlord/tenant disputes referred by the bench, Clerk-Magistrate and police. Has received a Department of Social Services grant for parent/child mediation. Also serves the Small Claims Division. Community volunteers serve as mediators.

U/Mass Mediation Project/Amherst
University of Massachusetts
127 Hasbrouck
Amherst, MA 01003

(413) 545-2462
Janet Rifkin
Eileen Stewart
(established 1981)

Serves members of the University and surrounding communities. Handles housing, dormitory, landlord/tenant, sexual harassment, racial conflicts and family disputes referred by residential staff, Dean of Students Office, local courts, social service agencies and lawyers, as well as self-referrals from the community. University and community members volunteer as mediators.

U/Mass Mediation Project/Boston
College of Public and Community Service
Boston, MA 02125

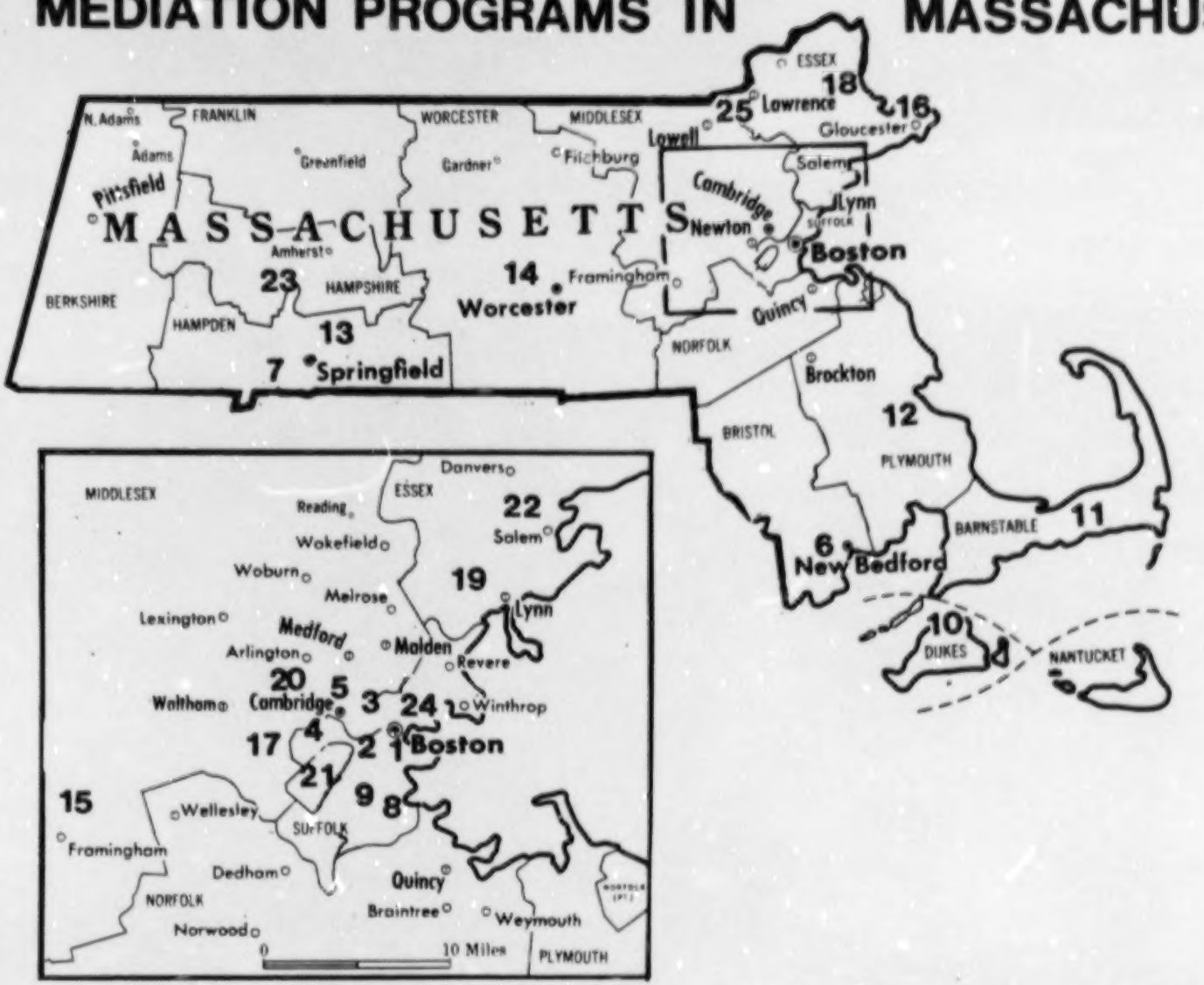
(617) 956-1088
David Matz
(established 1982)

Serves the Greater Boston area. Handles landlord/tenant, consumer/merchant, neighborhood and community disputes. Also handles small claims disputes in East Boston, Brighton and Brookline. Students receive mediation training from the faculty and both students and faculty serve as mediators.

Additions and Corrections, Please

If you are aware of other mediation projects in Massachusetts, or if you wish to correct your own entry, please use the form at the end of this publication to help us update our resource files.

MEDIATION PROGRAMS IN MASSACHUSETTS



1 Alternative Dispute Resolution Project (Office of Attorney General, Boston)

2 Boston Municipal Court Mediation Program

3 Cambridge Dispute Settlement Center

4 Children's Judicial Resource Council (Cambridge)

5 Children's Hearings Project (Cambridge)

6 Community Mediation Project (New Bedford)

7 Dispute Resolution Project, The (Springfield)

8 Dorchester District Court Mediation Unit

9 Dorchester Mediation Project

10 Edgartown Mediation Program

11 Family Mediation Program (Orleans)

12 Family Mediation Program (Plymouth)

13 Family Mediation Service (Springfield)

14 Family Mediation Services (Worcester)

15 Framingham Mediation Program

16 Gloucester District Court Mediation Program

17 Harvard Small Claims Mediation Program

18 Ipswich Court Mediation Program

19 Lynn Youth Resoruce Bureau Dispute Resolution Services

20 Massachusetts Institute of Technology Grievance Procedure

21 Mediation Program (Brighton)

22 Salem Mediation Program

23 U/Mass Mediation Project (Amherst)

24 U/Mass Mediation Project (Boston)

25 Lawrence Mediation Program

For detailed information, see pages 13 to 17.

Mediation Trainers, Consultants And Information Sources

Administrative Office
of the District Court
Holyoke Building
Holyoke Square
Salem, MA 01970

(617) 745-9010
Albie Davis

In 1978 the District Court Department's Special Committee to Study Alternative Means of Dispute Resolution recommended the establishment of experimental mediation programs within District Court Divisions. The Administrative Office will act as a resource to existing and developing mediation programs. It also conducts a Law-Related Education Program which offers workshops for educators and students wishing to learn about alternative means of dispute resolution.

American Arbitration Association
Boston Office
60 Staniford Avenue
Boston, MA 02114

(617) 367-6800
Richard Reilly

Best known for its labor negotiation, the AAA also organizes dispute resolution in other areas. It provides the parties with a list of expert negotiators, mediators or arbitrators and then leaves the parties and the intervenor to handle the dispute privately. The American Arbitration Association is also a source for training, consulting and information.

Center for Community Justice
918 16th Street, N.W., Suite 503
Washington, DC 20006

(202) 296-2565
Linda Singer

A source for training, consulting and information.

Center for Mediation in Higher Education
American Arbitration Association
140 West 51st Street, 10th Floor
New York, NY 10020

(212) 484-4105
Jane McCarthy

A source of training, consulting information on grievance procedures and conflict management systems in higher education.

Children's Hearings Project
99 Bishop Allen Drive
Cambridge, MA 02139

(617) 661-4700
Sandra Wixted

In addition to running a mediation center, The Children's Hearings Project staff trains mediators for other projects. Manuals on parent/child mediation are also available.

Children's Judicial Resource Council
34 Royal Avenue
Cambridge, MA 02139

(617) 876-8036
Patrick Phear

In addition to conducting family mediation sessions, this project consults with the courts on divorce and child related issues.

Community Board Center for Policy and Training
149 Ninth Street
San Francisco, CA 94103

(415) 552-1250
Raymond Shonholtz
Terry Amsler

In addition to running a number of innovative, highly successful community and school based conflict resolution programs, the Center publishes a newsletter, "Prospectus," and offers training, technical assistance, and materials to developing programs.

Community Relations Service
Department of Justice
Room 1920
100 Summer Street
Boston, MA 02110

(617) 223-5170
Marty Walsh

This agency within the U.S. Department of Justice provides conciliators and mediators for community disputes throughout New England, especially those involving racial difficulties.

Court Assistance Project, The
in Dispute Resolution
The Institute of Judicial Administration, Inc.
One Washington Square Village
New York, NY 10012

(212) 598-7721
Sanford M. Jaffee

The purpose of this project is to work with courts, legislators, bar associations and others to develop and implement dispute resolution processes that will improve the quality of the justice system. The project provides technical assistance and disseminates information on dispute resolution to policy makers.

Crime and Justice Foundation
19 Temple Place
Boston, MA 02111

(617) 426-9800
Neil Houston

This non-profit criminal justice organization is highly involved in developing mediation programs throughout the state. It trains mediation staff and assists in the design, operation and implementation of various mediation projects.

Department of the Attorney General
Public Protection Bureau
One Ashburton Place
Boston, MA 02108

(617) 727-7122
Suzanne Goulet Orenstein

The Office of the Attorney General is developing a mediation project which will establish consumer mediation programs at various sites in Massachusetts. This project will act as a resource to the various divisions within the Public Pro-

tection Bureau including consumer, environmental and civil rights. It will also be available to consult with existing and developing programs around areas such as consumer dispute resolution, court based mediation project management, arbitration and integrating mediation and arbitration into large institutions.

Institute for Mediation and Conflict Resolution
49 East 68th Street
New York, New York 10021

(212) 570-9400
Laura Blackburn

IMCR is involved in many aspects of mediation research and practice and is a source of training, consulting and information.

Mediation Trainers and Consultants of Boston
45 Fendale Avenue
Dorchester, MA 02124

(617) 288-3230
Nancy Feeny

A source for training and consulting.

National Center for Collaborative
Planning and Community Services
P.O. Box 1080
Montpelier, VT 05602

(802) 229-5113 (VT)
William F. Lincoln

Handles a broad range of environmental and community related dispute resolution activities for public and private clients. Also offers training in conflict management and dispute resolution.

National Institute for Dispute Resolution
1901 L Street NW, Suite 600
Washington, D.C. 20036

(202) 466-4764
Madeleine Crohn

This private, non-profit organization's purpose is to help support, expand and examine the use of techniques and processes for settling disputes without, or short of, litigation. It accomplishes this goal through funding, technical assistance, conferences and the publication of materials such as their Dispute Resolution Resource Directory (1984).

Program on Negotiation at Harvard Law School
Harvard Law School
Harvard Law School
500 Pound Hall
Cambridge, MA 02138

(617) 495-1684
Lawrence Suskind

The program is an inter-university consortium whose projects include the Dispute Resolution Program, the Public Disputes Program, and the Harvard Negotiation Project. The latter project brings together scholars and professionals to improve the practice of negotiation, mediation, and conflict management. It also conducts research, provides technical assistance and develops training programs for both students and mid-career professionals.

Special Committee on Dispute Resolution
American Bar Association
1800 M. Street N.W.
Washington, D.C. 20036

(202) 331-2258
Larry Ray
Prue Kestner
Lawrence Freedman

This American Bar Association committee has established itself as a focal point for resource information in the field of dispute resolution. The Committee maintains a clearinghouse of information, produces a quarterly newsletter and provides technical assistance upon request.

U/Mass Mediation Project
University of Massachusetts
127 Hasbrouck
Amherst, MA 01003

(413) 545-2462
Janet Rifkin

A source of technical assistance, information and training. Particularly experienced in dealing with disputes that arise in the university setting.

Urban Court Mediation
138 Templeton Street
Dorchester, MA 02124

(617) 929-8300
Peggy Walsh

Urban Court Mediation, an organization composed entirely of mediators, provides mediation services, training, and consulting about mediation processes and programs. It is also involved in outreach education to potential referral sources.

For additional information about resources

Dispute Resolution Program Directory, 1983, Larry Ray, Editor. Compiled by the Special Committee on Dispute Resolution, American Bar Association. This directory gives the reader the essential information about 188 dispute resolution projects across the United States. ($15) American Bar Association, 1155 East 60th Street, Chicago, IL 60637 Attention: Mario Guizar, Order fulfillment.

Dispute Resolution Directory: Boston Area Courses and Internships, Peter Woodrow and John Horberry, Research Assistants, Compiled by the Harvard Negotiation Project and the Harvard Law School Program in Dispute Resolution. This directory lists courses and internships in the Boston area in the fields of conflict resolution, negotiation and mediation, labor relations and collective bargaining, and international peacemaking. ($3.00) Program on Negotiation at Harvard Law School, 500 Pound Hall, Cambridge, MA 02138 (617) 495-1684.

Dispute Resolution Resource Directory, 1984, Brooks Johnson and Robert Jones, compilers and editors, published by the National Institute for Dispute Resolution. This publication provides information on 100 organizations which have expertise in various aspects of dispute resolution and the capability to share such information. NIDR, 1901 L Street, NW, Suite 600, Washington, D.C. 20036, (202) 466-4764.

Mediation in the Schools

The skills learned during mediation training and the potential of mediation for effective dispute resolution make it a subject of much interest to educators. Listed below are several projects which are concerned with bringing the benefits of alternative dispute resolution to young people.

CloseUp/Political Discovery Mediation Project — See teachers names and telephone numbers below.

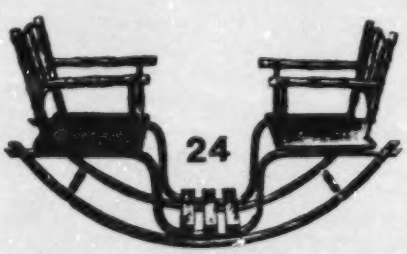
This project, funded by the CloseUp Foundation, Washington D.C., trained students and teachers from five Greater Boston schools in mediation skills. The participating teachers will be glad to share their experiences. (Philip Baas, Madison Park High School, (617) 445-2440; Ronny Sydney, Brookline High School, (617) 734-1111; Nikki Descoteaux, Dana Hall, (617) 785-1631; Susan Chapin, Cathedral High School, (617) 542-2325; Rosemary Scott Sport, Dorchester High School, (617) 436-2065. Through its Partners Program, funded, in part by the Office of Juvenile Justice and Delinquency Prevention, CloseUp Foundation sponsored a mediation project at Boston Prep. This project trained 15 students in mediation skills. For more information, contact: Edward Joyce, Boston Prep, Boston Public Schools, 60 Joy Street, Boston, MA 02114, (617) 742-1033.

Youth Education Program — (617) 495-1684
Harvard Negotiation Project — Albie Davis
500 Pound Hall
Cambridge, MA 02141

The Harvard Negotiation Project is interested in working with other organizations to develop curriculum materials and teacher training opportunities that will bring the benefits of negotiation skills, mediation, and other forms of dispute resolution to young people.

Living Together Under the Law — (413) 598-8351
c/o Arlene Gallagher — Arlene Gallagher
Elms College
Springfield Street
Chicopee, MA 01013

Arlene Gallagher, Professor, Elms College, is interested in learning about and developing materials that will enhance the ability of young people to resolve disputes peacefully by increasing their ability to see other people's points of view. Her resource guide for teachers grades one through six, Living Together Under the Law, is available from the New York State Bar Association, Public Relations Department, One Elk Street, Albany, NY 12207.



School Initiatives Program
Community Boards
149 Ninth Street
San Francisco, CA 94103

(415) 552-1250
Helena Davis

At the request of educators in San Francisco, Community Boards inaugurated the School Initiatives Program to bring conflict resolution skills to students grades K through 12. The three projects currently in operation--two in the elementary schools and one in middle and high schools--are designed so that faculty and students can independently maintain them at their schools. The Conflict Manager Program trains 4th and 5th graders as conflict managers to help other students peacefully express and resolve conflicts on the playground during lunch and recess. In the Classroom Meeting Program, elementary level students sit in a circle and, with their teacher as facilitator, discuss problems they have encountered on the playground and in class. Everything students offer is valued; nothing is judged. The Conflict Resolution Course is a series of modules which contain experiental exercises, readings and discussion activities on a wide variety of topics related to conflict resolution. A textbook for this course is available.

School Mediator Alternative Resolution Program
(S.M.A.R.T.)
William Cullen Bryant High School
48-10 31st Avenue
Long Island City, NY 11103

(212) 721-5404
Emily Jonas

This pilot program trains high school students to mediate disputes within the school community. Parents and teachers are also being trained in conflict resolution skills. The case load has been active since the program began in the Fall of 1983. Students may request the use of the service directly. Most of the referrals comes from the Dean's office. The Director conducts Outreach Seminars in the classroom throughout the year to make sure that students and teachers are aware of the program.

Conflict Resolution and Mediation Service
Board of Cooperative Education Services (BOCES)
8 - 43rd Street
Centereach, NY 11720

(516) 467-3610
Barbara Brodsky

This service is designed to deal with conflicts in the neighborhood that spill over into the schools, disputes that occur in school and parent/child problems that affect the student's progress in school. Volunteer adult mediators are being trained to work with over 30,000 students. Ninety percent of the agreements made over the last three years are still intact.

Please send us information about school programs.

If you are involved in or aware of a program which is teaching young people about dispute resolution, please use the form at the back of this publication to share that information with the District Court Department. We will in turn share your project with those who contact us for information about school-based programs.

COURTS and the CLASSROOM

VOLUME 3 NUMBER 3

PUBLISHED BY THE DISTRICT COURT DEPARTMENT OF THE TRIAL COURT
IN COOPERATION WITH THE MASSACHUSETTS ASSOCIATION
FOR LAW-RELATED EDUCATION

JULY, 1982

STUDENTS RECEIVE DISPUTE RESOLUTION TRAINING FROM DORCHESTER DISTRICT COURT MEDIATION UNIT

Boston Area Schools Benefit from Program Funded by Close Up

Students and teachers from five Greater Boston high schools were trained this Spring as mediators by members of the Dorchester District Court Mediation Unit. The project was conducted by Political Discovery (EdCo) and funded by the CloseUp Foundation's Partners Program (which is funded, in part, by a grant from the Office of Juvenile Justice and Delinquency Prevention) Two primary goals shaped the program: to give the 22 participants a first-hand opportunity to experience the nature of the mediation services offered by the Massachusetts District Courts, and to consider the applicability of the mediation process as a means of dispute resolution in the school setting.

Della Rice, Court Services Coordinator, and Kathy Grant, Probation Assistant, both from the Dorchester District Court, as well as Nancy Feeney, a community mediator, conducted the training, which took place at Boston University Law School in eleven, three-hour sessions.

Mediation has several unique features which differentiate it from other forms of dispute resolution. (See box with definitions of mediation, arbitration, adjudication, and negotiation.) The District Court Department Special Committee to Study Alternative Means of Dispute Resolution recommended the expansion of court programs experimenting with mediation techniques.

In mediation, emphasis on determining the facts of a case in order to assign liability is lessened. Discovering the feelings and attitudes that

cont. pg. 2, col. 3

Participating in mediation role play are, from left: Melissa Sparks, Dana Hall; Julie Gershon, Brookline; Leonard Weinstein, Brookline; Tina Choe, Dana Hall.

MALRE SCHEDULES SEVENTH ANNUAL TEACHING ABOUT THE LAW CONFERENCE

On Tuesday, October 26, 1982, the Massachusetts Association for Law-Related Education will hold its Annual TEACHING ABOUT THE LAW Conference at the University of Massachusetts in Amherst. This day-long conference brings together educators at all levels, lawyers, judges, paralegals, probation officers, law enforcement officials, students and others interested in teaching or learning about the law.

Each participant will have a chance to attend three workshops which cover a wide range of topics, including teaching strategies, recent developments in the law, and use of community resources.

Evaluations of past conferences have shown that participants find this conference to be an invaluable means of keeping up-to-date in the field of law-related education and expanding their own network of resources.

If you wish to attend the Conference, please write to John Burke, Administrative Assistant, Supreme Judicial Court, 1300 New Courthouse, Boston, MA 02108.

led to the dispute and finding mutual agreements which will improve the way that disputing parties relate in the future is the focus.

Mediation is especially appropriate in cases where there is an on-going relationship between the parties, such as family members, neighbors, landlords and tenants, merchants and customers, co-workers and students and teachers.

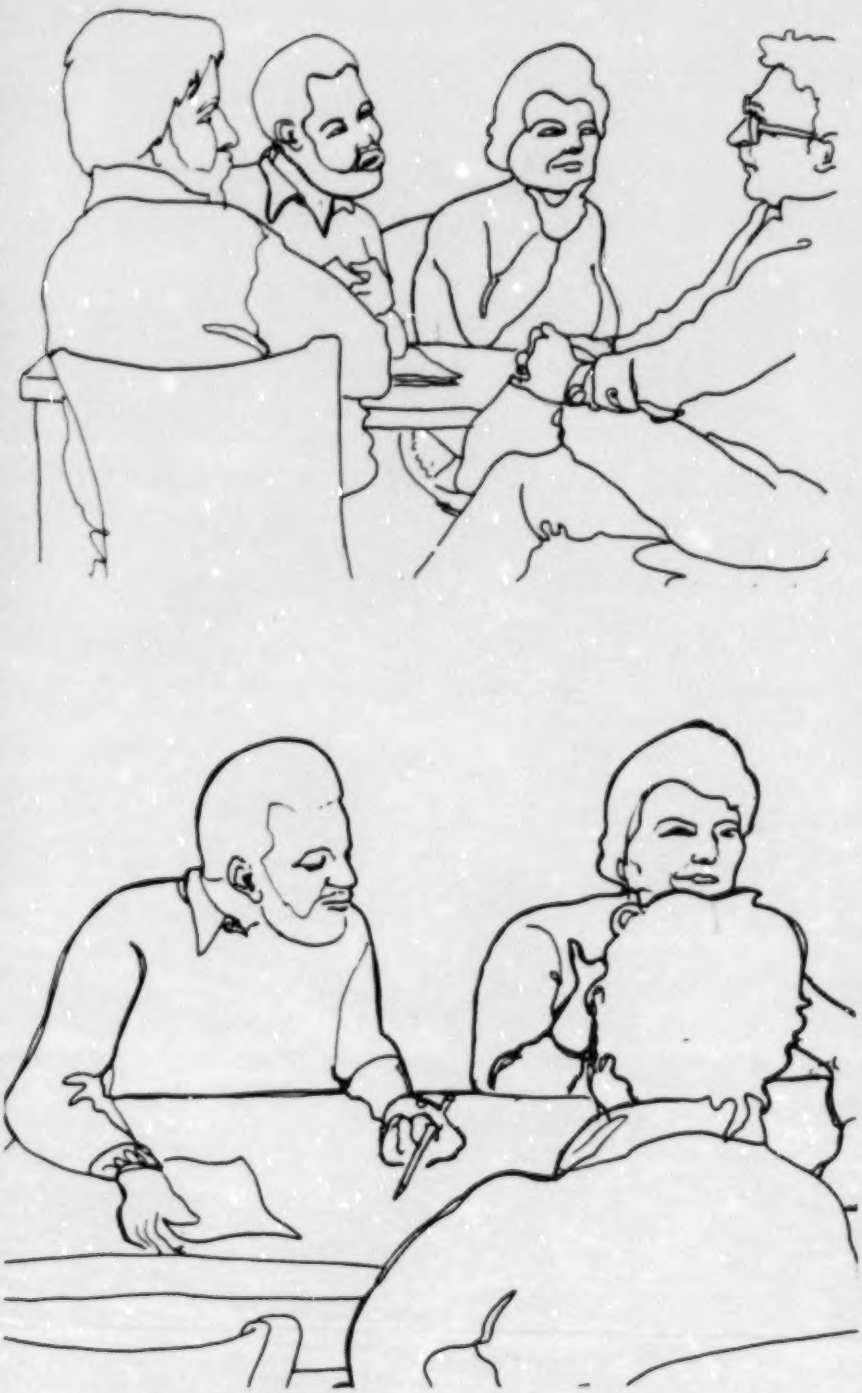
Training to be a mediator is a tough, intensive, emotional and intellectual experience, as the 22 trainees can attest. A hands-on approach is used, with each person participating in role plays either as disputants, mediators, or active observers. Through these life-like experiences, trainees learn to set the disputants at ease; explain the mediation process clearly; draw out the important issues and feelings in the dispute; deal with the emotions involved; search for areas of commonality; help people express the outcomes they would like; eliminate extreme positions; and design and draft in writing settlements agreeable to both parties.

Interpersonal skills, such as active listening and projecting a sense of neutrality (but not indifference), are learned and perfected. Mediators must also understand that they are not to impose their own value systems upon the disputants.

"Being the mediator taught us the skills we need to mediate; playing the role of the disputant helped us to understand the feelings and tensions involved and to be sensitive to them; and finally (but not least important), being the observer helped us to recognize the mistakes we all make."

Guidance for the project was provided by a Coordinating Committee, chaired by Albie Davis, former Director of Political Discovery. Other Committee members included Nikki Descoteaux, *Dana Hall;* Philip Baas, *Madison Park High School;* Ronny Sydney, *Brookline High School;* Julie Gershon, student, *Brookline High School;* George Torres, student, *Madison Park High School;* David Hiers, student, *Boston University Law School;* Robert Clayman, student, *Boston University Law School;* Rosemary Scott-Sport, *J. E. Burke High School;* Susan Chapin, *Cathedral High School;* Della Rice, *Dorchester District Court.* Other students who participated in the training included: Belinda Dodds, Leo Ortega, Leeja-Ann Stillman, Kevan Budrow (Madison Park); Kitt Zorn, Becky Weisel, John Pouldick, Andrew Boni, Leonard Weinstein, Brian Lewis (Brookline); Frankie Samual, Clark Cesar, Christie Chambers (Cathedral); and Melissa Sparks, Tina Choe and Lynel Tully (Dana Hall).

Other courts that have had experience in mediation programs include Salem, Cambridge, Taunton, New Bedford and Quincy. For more information on mediation, call or write Albie Davis, Court Services Coordinator, Law-Related Education, District Court Department of the Trial Court, 209 Essex Street, Salem, MA 01970, (617) 745-9010.



Sketches of mediation role play by Carol Davis.

BIBLIOGRAPHIES

For the reader who wishes to learn more about alternative means of dispute resolution, four bibliographies are included in this publication. The are drawn from the following sources:

1. Mediation: An Alternative that Works, Albie Davis, District Court Department of the Trial Court of the Commonwealth, 1983. (This bibliography contains a partial listing of materials used for research. Publications mentioned in the other three bibliographies are not included on this list.)

2. Mediating Disputes: An American Paradox, Janet Rifkin, UMass Mediation Project, 1982.

3. Report of the Special Committee to Study Alternative Means of Dispute Resolution, Toby Jill Kamens, Administrative Attorney, District Court Department of the Trial Court of the Commonwealth, August, 1978.

4. Special Committee on Alternative Dispute Resolution Publications List, American Bar Association.

1. Mediation: An Alternative That Works

Court-Administered Arbitration: An Alternative for Consumer Dispute Resolution, February 1983, Deborah R. Hensler, Jane Adler, with the assistance of Gregory J. Rest, A Rand Note prepared for The Institute for Civil Justice.

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Dispute Resolution Program Directory, 1983, Larry Ray, Special Committee on Alternative Means of Dispute Resolution, American Bar Association.

Educational Ombudsperson and Student In-house Court, 1979, Thomas O'Donnell and Stuart Goldblatt, Project P.A.T.C.H. (Probationary Adjustment Through Community Help), Northport-East Northport Union Free School District, Laurel Hill Road, Northport, NY 11768.

Getting to Yes: Negotiating Agreement Without Giving In, 1981, Roger Fisher and William Ury, Houghton Mifflin Company. (1983, Penquin Books.)

Legal Issues Arising in Mediation: The Boston Municipal Court Mediation Program, Robert E. McGinness, R.J. Cinquegrana and others, Fall 1982, Massachusetts Law Review, Massachusetts Bar Association.

Living Together Under the Law: An Elementary Education Law Guide, 1982, Arlene Gallagher, Prepared by the Law, Youth and Citizenship Program of the New York State Bar Association and the New York State Education Department.

Mediating Disputes: An American Paradox, 1982, Janet Rifkin, UMass Mediation Project, University of Massachusetts, Amherst.

Mediation Training Manual, 1980, Crime and Justice Foundation, 19 Temple Place, Boston, MA 02111.

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Neighborhood Justice Centers Field Test: An Interim Report, February 1979, David I. Sheppard, Janice A. Roehl, Royer F. Cook, U.S. Department of Justice, Law Enforcement Assistance Administration, National Institue of Law Enforcement and Criminal Justice, Office of Program Evaluation.

Out of Court: A Simulation of Mediation, 1982, Ethan Katsh and Janet Rifkin, Legal Studies Simulations, 42 Elwood Drive, Springfield, MA 01108.

Peacemaking in Your Neighborhood: Mediator's Handbook, Revised Edition, July 1982, Jennifer Beer, Eileen Stief and Charles Walker, Friends Suburban Project, Box 462, Concordville, PA 19331.

Report of the Special Committee to Study Alternative Means of Dispute Resolution to the Chief Justice of the District Court Department, August, 1978, Toby Jill Kamens, Administrative Attorney, Special Committee to Study Alternative Means of Dispute Resolution, District Court Department of the Trial Court of the Commonwealth, Salem, MA 01970.

The Go-Between: Mediators at Neighborhood Justice Centers Resolve Disputes without Assigning Guilt, March 1980, Student Lawyer, American Bar Association, 1155 E. 60th Street, Chicago, IL 60637.

Peace and Change, A Journal of Peace Research, Special Issue, Conflict Resolution, Summer 1982, Special Editor, Maire A. Dugan, Kent State University, Kent Ohio 44242.

Mediation Skills, March, 1984, Albie Davis, District Court Department, Holyoke Square, Salem, MA 01970.

2. Mediating Disputes: An American Paradox

1. Abel, Richard, ed., The Politics of Informal Justice, New York: Academic Press, 1982.

   This book offers a series of articles written by scholars from a broad range of academic disciplines who attempt to analyze the current approaches to mediation in a broad social context.

2. Nichols and Alpert, Beyond the Courtroom, Lexington Books, 1980.

   This book reviews the broad range of existing approaches to conflict resolution, including the adversary system, arbitration, mediation and cross-cultural approaches.

3. Sander, Frank and Snyder, Fred, Alternative Methods of Dispute Settlement: A Selected Bibliography, American Bar Association Special Committee on the Resolution of Minor Disputes, 1979.

   This booklet offers a comprehensive bibliogrpahy of articles and books on mediation and alternative methods of conflict resolution.

4. Rifkin, Janet; d"Errico, Peter; Katsh, Ethan, "Legal Studies and Mediation," New Directions in Higher Education, 32, Jossey Bass, 1980.

   This article describes the development of the University of Massachusetts Mediation Project.

5. Fuller, Lon, "Mediation - Its Forms and Functions," 44 University of Southern California Law Review, 305, 1971.

   This article develops a theoretical framework for understanding how mediation is different from the adversary process.

6. Snyder, Frederick, "Crime and Community Mediation - The Boston Experience: A Preliminary Report on the Dorchester Urban Court Program," Wisconsin Law Review, pp. 737-795, 1978.

   This article reviews the history and impact of the Dorchester Court Mediation Project, one of the first programs to be established in this country.

7. McGillis, Daniel, Center for Criminal Justice, Harvard Law School, "Recent Developments in Minor Dispute Processing, " unpublished paper, 1980.

   This is a brief review of the nation-wide movement towards alternatives to ajudication for minor dispute resolution. Discusses characteristics of various projects and their apparent impact.

8. Rowe, Mary. Special Assistant to the President, M.I.T., "The Non-Union Grievance Procedure at M.I.T., An Upward-Feedback-Mediation Model," unpublished paper, 1980.

The article describes an approach to resolving conflict at a major University in the United States.

3. Report of the Special Committee, District Court Department

American Bar Association. The Citizen Dispute Settlement Program, Resolving Disputes Outside the Courts - Orlando, Florida. Chicago: ABA, 1977.

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MEDIATION UPDATE FORM

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2. Contact Person _____

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   Date established _____

   Types of Cases _____

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   How are Mediators Trained? _____

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